

3006.302-7

The limitation on the period of performance applies to contracts awarded in response to, or to recovery from:

(A) A major disaster or emergency declared by the President under Title IV or Title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121-5207) (see <http://www.fema.gov/news/disasters.fema#sev2> for a list of declarations);

(B) An uncontrolled fire or fire complex, threatening such destruction as would constitute a major disaster, and for which the Federal Emergency Management Agency has approved a fire management assistance declaration in accordance with regulatory criteria at 44 CFR 204.21 (see <http://www.fema.gov/news/disasters.fema#sev2> for a list of declarations); or

(C) An incident for which the National Operations Center (NOC), through the National Response Coordination Center (NRCC), coordinates the activation of the appropriate Emergency Support Functions and the Secretary of Homeland Security has designated a Federal Resource Coordinator (FRC) to manage Federal resource support.

[77 FR 50634, Aug. 22, 2012]

3006.302-7 Public interest.

(c)(1)(ii) Requests shall be prepared in writing by the contracting officer, using the format found in (HSAR) 48 CFR 3001.704, and submitted through the HCA to the CPO for review and transmittal to the Secretary for approval.

3006.303 Justifications.

3006.303-270 Content.

(a)(9)(iv) For a proposed contract subject to the restrictions of (HSAR) 48 CFR 3006.302-270(d)(1)(iii) and where (FAR) 48 CFR 6.302-2 is cited as the authority, the exceptional circumstances allowing for an award for a period of performance in excess of 150 days.

[77 FR 50634, Aug. 22, 2012]

48 CFR Ch. 30 (10-1-14 Edition)

3006.304 Approval of justification.

3006.304-70 DHS Approval of justification.

A justification for other than full and open competition that cites (FAR) 48 CFR section 6.302-2 as its authority shall be approved in writing by the HCA (unless a higher approval authority is required in accordance with (FAR) 48 CFR section 6.304 or DHS procedures) for a proposed DHS contract to facilitate the response to or recovery from a natural disaster, act of terrorism, or other man-made disaster with a period of performance in excess of 150 days. The justification should make plain the exceptional circumstances that justify the duration of the contract. This authority may not be redelegated by the HCA.

[77 FR 50634, Aug. 22, 2012]

Subpart 3006.5—Competition Advocates

3006.501 Requirement.

The DHS Senior Competition Advocate (SCA) is located in the Office of the Chief Procurement Officer (OCPO).

Subpart 3006.90—Competition Requirements For Personal Services Contracting

3006.9000 Applicability (USCG).

Contracts awarded by the U.S. Coast Guard using the procedures in (HSAR) 48 CFR 3037.104-91 are expressly authorized under Section 1091 of Title 10 U.S.C. as amended, for the Coast Guard and are exempt from the competition requirements of (FAR) 48 CFR part 6.

PART 3007—ACQUISITION PLANNING

Subpart 3007.1—Acquisition Plans

Sec.

3007.106 Additional Requirements for Major Systems.

3007.106-70 Limitations on Lead System Integrators.

AUTHORITY: 5 U.S.C. 301-302, 41 U.S.C. 1707, 41 U.S.C. 1702, and 48 CFR part 1 and subpart 1.3.

Homeland Security Department

3009.108–7002

SOURCE: 75 FR 41099, July 15, 2010, unless otherwise noted.

Subpart 3007.1—Acquisition Plans

3007.106 Additional Requirements for Major Systems.

3007.106-70 Limitations on Lead System Integrators.

See (HSAR) 48 CFR 3009.570 for policy applicable to acquisition strategies that consider the use of lead system integrators.

PART 3008—REQUIRED SOURCES OF SUPPLIES AND SERVICES [RESERVED]

PART 3009—CONTRACTOR QUALIFICATIONS

Subpart 3009.1—Responsible Prospective Contractors

Sec.

3009.108-70 Prohibition on contracts with corporate expatriates.

3009.108-7001 General.

3009.108-7002 Definitions.

3009.108-7003 Special rules.

3009.108-7004 Waivers.

3009.108-7005 Clause.

3009.171 Prohibition on Federal Protective Service guard services contracts with business concerns owned, controlled, or operated by an individual convicted of a felony.

3009.171-1 General.

3009.171-2 Definitions.

3009.171-3 Determination of eligibility for award of FPS guard service contracts.

3009.171-4 Determination of ownership, control, or operation.

3009.171-5 Serious felonies prohibiting award.

3009.171-6 Guidelines for contracting officers.

3009.171-7 Contract award approval procedures for contractors with felony convictions.

3009.171-8 Ineligible contractors.

3009.171-9 Clause.

Subpart 3009.4—Debarment, Suspension, and Ineligibility

3009.470 Reserve Officer Training Corps and military recruiting on campus.

3009.470-1 Definition.

3009.470-2 Policy.

3009.470-3 Procedures.

3009.470-4 Contract clause.

Subpart 3009.5—Organizational and Consultant Conflicts of Interest

3009.507 Solicitation provision and contract clause. [Reserved]

3009.507-1 Solicitation provision.

3009.507-2 Contract clause.

3009.570 Limitations on contractors acting as lead system integrators.

3009.570-1 Definitions.

3009.570-2 Policy.

3009.570-3 Procedures.

3009.570-4 Solicitation provision and contract clause.

AUTHORITY: 5 U.S.C. 301-302, 41 U.S.C. 1707, 41 U.S.C. 1702, and 48 CFR part 1 and subpart 1.3.

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise noted.

Subpart 3009.1—Responsible Prospective Contractors

3009.108-70 Prohibition on contracts with corporate expatriates.

3009.108-7001 General.

Except as provided in (HSAR) 48 CFR 3009.108-7004, DHS may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b) of section 835 of the Homeland Security Act, 6 U.S.C. 395(b), or any subsidiary of such an entity.

[76 FR 70661, Nov. 15, 2011]

3009.108-7002 Definitions.

As used in this subpart—

Expanded Affiliated Group means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504 of such Code shall be applied by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears.

Foreign Incorporated Entity means any entity which is, or but for section 835(b) of the Homeland Security Act, 6 U.S.C. 395(b), would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

Inverted Domestic Corporation. A foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) The entity completes the direct or indirect acquisition of substantially all